

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

INDACON, INC.

§

PLAINTIFF,

§

v.

§

Civil Action No. 5:10-CV-966-OLG

FACEBOOK, INC.

§

DEFENDANT.

§

**JOINT MOTION TO EXTEND DEADLINE FOR SUBMISSION OF
ALTERNATIVE DISPUTE RESOLUTION REPORT**

Plaintiff and Defendant in the above-entitled and numbered civil action jointly move this Court to extend the deadline to May 10, 2011, for the parties to submit a report on alternative dispute resolution, in order to allow the parties additional time to conclude the selection of a mediator appropriate for the mediation of this matter and acceptable to both parties. In support thereof, Plaintiff and Defendant would show the Court as follows:

The Scheduling Order entered on March 4, 2011, requires that the parties file their report on alternative dispute resolution in compliance with Local Rule CV-88 no later than May 3, 2011.¹ The parties drafted a joint report on alternative dispute resolution with the intention of filing it by the May 3 deadline, but are still in the process of identifying an agreed upon mediator from the list of approved mediators for the Western District of Texas. The parties expect that

¹ Docket No. 16.

they will reach agreement on a mediator appropriate for this litigation no later than May 10, 2011, and, therefore, ask that the Court extend the deadline for filing of the report on alternative dispute resolution to that date.

This motion is not made for the purpose of delay, but rather so that justice may be done.

WHEREFORE, PREMISES CONSIDERED, Plaintiff and Defendant respectfully move the Court to extend the deadline for submission of the parties' joint report on alternative dispute resolution to and through May 10, 2011.

Respectfully submitted,

/s/ R. Laurence Macon

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CERTIFICATE OF SERVICE

The undersigned attorney certifies that on May 4, 2011, a true and correct copy of this instrument was filed electronically, and notice of the filing was served on all counsel of record by operation of the Court's electronic filing system, and the parties may access this filing by and through the Court's electronic filing system.

/s/ R. Laurence Macon
R. LAURENCE MACON